



# Town of Westminster

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

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June 16, 2021

## **Definitive Subdivision Plan for JP Dell LLC – Porter Page Road**

Owner/Applicant: JP Dell LLC  
340 Main Street  
Fitchburg, MA 01420

Property Location: Bean Porridge Hill Road, Tax Map 29, Lot 3

Zoning District: Residential-II

Application Request: Definitive Subdivision Approval per MGL Chapter 41, Section 81K (Subdivision Control Law), Section 205-37 of the Town's Zoning Bylaw (Cluster Housing Projects), Chapter 137 of the Town's General Bylaws (Stormwater Management), and Chapter 231 of Westminster Town Bylaws (Subdivision of Land) for the purpose of constructing a 12-lot cluster housing subdivision on a new roadway (Porter Page Road) that will connect to Bean Porridge Hill Road.

Application Timeline:

Subdivision Plan Filed: May 28, 2021

Public Hearing Date: June 22, 2021

Decision Deadline: 90 days after close of public hearing

Background Information:

This project will result in a new 12-lot subdivision with an interior road (Porter Page Road) that connects to Bean Porridge Hill Road. This cluster housing project will permanently protect 52 acres of open space. The new lots will be served by on-site wells and septic systems.

A review of the property's permit history indicates that there are no outstanding Variances or Special Permits for this property.

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Comments from Other Departments/Boards: The subdivision plan was distributed to the various Town departments and a technical review session was held with the applicant's engineer on June 14<sup>th</sup>, 2021. Thus far, I have received the following review comments:

Board of Health (comment letter submitted to the Planning Board on June 14, 2021):

In order to receive BOH approval for the wells/septic systems, we will require the following:

1. Hydrogeologist verifies that all 13 wells once drilled will have enough water to support 12 for houses and one for the fire cistern.
2. Wells must be at least 100' from wetlands, recharge basins and two water easements.
3. Septic systems must be 100' from wells, and from the two water easements and recharge basin as these drain into Phillips Brook, which in turn drains into the North Nashua River.
4. A plan to ensure that there will not be water run-off over developing sites as septic systems are installed since the culverts will not be in place until the road is graded.
5. Permits for each port-a-pottie on site.

**Note to Planning Board:** It is not reasonable to ask the Applicant to keep their wells/septic systems 100 feet away from the drainage easements shown on the plan. Simply keeping them out of the easement will suffice.

Conservation Agent (written comments received June 10, 2021):

Site inspection and plan review there is no proposed work within or near land under the Conservation Commission's jurisdiction.

Fire Department (see attached letter from Fire Department dated June 14, 2021).

Tetra-Tech

As there was a delay in the applicant submitting a check to cover Tetra-Tech's review fee, TTs review has not begun. I expect TT to have its review in time for the next Planning Board meeting.

Public Works (e-mail received June 14, 2021).

I believe, due to the topography of this project, LID would cause safety issues as designed. Here are my comments:

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1. Maximum Grade 6%. I do not recommend granting the waiver to allow the proposed roadway grade of 9.8%. I do not believe the Planning Board has allowed a roadway grade waiver over 8%.
  2. Pavement width-26 feet. Although the LID rules and regulations recommend pavement width of 20 feet, we recommend a pavement width of 24 feet similar to previous waivers granted by the Planning Board. There is a concern with the proposed width to safely accommodate parked cars, emergency vehicles as well as pedestrian and bicycle traffic.
  3. There is a concern with how the road is cross-sloped to one side and draining/icing in the winter. How does snow drain from the east side of the proposed road? Although we want to promote LID, I am not sure if country drainage and swales works due to the topography. This is a safety concern. The standard road cross section should be used with closed drainage system and curbing.
  4. Will there be a water issue on Lot 12 from the road, especially coming from Bean Porridge Hill Road if country drainage/swales are approved as designed?
  5. Sidewalk waiver. We have received calls on VOM concerns as to why sidewalks were not installed. I think this is something the Planning Board should discuss in detail before allowing waivers for sidewalks.
  6. We request that the applicant confirm that 30 feet beyond the first 40 feet of proposed road is not greater than 4%.
  7. Easement access to drainage facilities. We will require gravel access roads 14 feet in width built through both easements and along the top of the basin to a proper grade (less than 10%) for town personnel to safely access to maintain and inspect. How will we gain access through the swale/basin between Lot 6 & 7? Both easements need to be gated.
  8. Easement access to drainage basin on Lot 12. How will the town gain access? Does the applicant propose to have the easements owned and maintained by the Town?

#### Planning Department

The plan shows four lots having driveways along the proposed cul-de-sac. When we updated our Subdivision Regulations last year to add the EPA-mandated stormwater provisions, we also placed a limit on the number of driveways that can access lots from a cul-de-sac: no more than two driveways (see last sentence of Section 231-31 [Driveways] in our Subdivision Regulations). The purpose of this limit is to ensure that cul-de-sacs can be plowed without accumulating snow piles in front of properties that front on the cul-de-sac. In order to have four driveways access from the cul-de-sac, the Applicant will need to request a waiver. The Board should seek DPW's opinion before granting this waiver.

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Requested Waivers:

1. *Subdivision Regulation 231-14: Width and Grade of Ways.*

This regulation allows a maximum road grade of 6%.

The applicant is requesting a waiver to propose a roadway grade of 9.8%. The area of roadway where this is proposed is along the roadway entrance and not in front of the proposed homes.

2. *Subdivision Regulation 231-14: Width and Grade of Ways.*

This regulation requires a pavement width of 26 feet.

The applicant is requesting a waiver to construct a pavement width of 20', which is allowed within the LID rules and regulations.

3. *Subdivision Regulation 231-15 Dead-End Streets.*

This regulation limits the length of a dead-end street to 500 linear feet.

The applicant is requesting a waiver to construct a roadway 892' in length

4. *Subdivision Regulation 231-15. B: Dead-End Streets.*

The regulation states that the number of dwelling units served by a dead-end street shall not exceed ten (10). Subdivisions containing more than 10 lots shall provide a minimum of two means of vehicular access to and from the subdivision onto previously existing public ways.

The applicant is requesting a waiver to propose 12 lots on a single means of access.

5. *Subdivision Regulation 231-27, Item D: Construction of Ways.*

This regulation requires that granite curb inlets at every catch basin.

The applicant is requesting a waiver to incorporate country drainage and water quality swales.

6. *Subdivision Regulation 231-27, Item J: Construction of Ways.*

This regulation states that curbing shall be sloped granite edging on all intersections, cul-de-sacs and all other radii.

The applicant is requesting a waiver to incorporate country drainage in lieu of curbing.

7. *Subdivision Regulation 231-29: Sidewalks.*

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This regulation requires that all sidewalks be designed meeting all applicable accessibility requirements, be of bituminous concrete, and be five feet wide with a base of eight inches of suitable gravel.

The applicant is requesting a waiver to the requirement of sidewalks as an additional measure to reduce impervious cover.

*8. Subdivision Regulation 231-30: Driveways.*

This regulation requires that each lot have a driveway ramp not less than 14 feet in width at the gutter line.

The applicant is requesting a waiver to construct driveways to a width of 12’.

*9. Subdivision Regulation: 231-38 Environmental and Community Impact Analysis.*

This regulation requires that any submission of a subdivision requiring substantial cuts, earth removal in excess of 3,000 cubic yards, creating 1,000 feet or more of roadway/street, or creating more than 10 lots, and all nonresidential subdivisions shall be accompanied by four copies of an environmental and community impact analysis.

The applicant is requesting a waiver from this submission requirement.

Exhibits:

- Project cover letter from McCarty Engineering, dated May 28, 2021.
- Subdivision plan entitled “Definitive Cluster Development Plan – Porter Page Road”, prepared by McCarty Engineering, dated May 28, 2021.
- Subdivision & Stormwater Management permit applications dated May 28, 2021.
- Drainage Report prepared by McCarty Engineering, dated May 28, 2021.
- Property tax card from Assessor’s office.

Outstanding Issues:

Address the issues raised through the departmental review process.